

TOWN OF CONSTANTIA  
**MINUTES - TOWN BOARD-APRIL 21, 2016**  
7:30 pm Constantia Town Hall

Present: Kenneth Mosley – Supervisor  
Richard Colesante, John Metzger, Thomas Moran, Chad Whitney – Council Members  
Clare Haynes – Town Clerk  
Warren Bader - Town Attorney  
Wayne Woolridge - Highway Superintendent

Others Present: Eric Pond – Barton & Loguidice P.C.  
Paul Baxter – Tug Hill Commission

**CALL TO ORDER:**

At 7:30 pm Mr. Mosley called the town board meeting to order with the pledge of allegiance.

**PUBLIC COMMENT:**

Mr. Stephen Dwyer – 50 Kellar Drive was in to ask about water for the Bernhards Bay area. Mr. Dwyer spoke passionately about the problems he is having along with some of his neighbors, from low pressure, black water to problems with his water treatment system that he has installed. Mr. Dwyer, to say the least, is very frustrated with the progress the board is making. Mr. Colesante assured Mr. Dwyer that the board has been working on the Bernhards Bay Water District and has gone as far as to create the district, funding is what is holding up this district.

Mr. Eric Pond from Barton & Loguidice informed the board and others of the newest development for the Bernhards Bay Water District. Currently all legal aspects of the district have been completed, funding is the last piece that needs to be done, the Bernhards Bay Water District meets all the criteria for being shovel ready. NYSEFC the agency that is responsible for funding these types of projects has recently received an additional 100M for grant money. In the past there was a 2M dollar cap for grants, it has been increased to 3M dollars. The town would need to go forward with a loan instead of the zero percent funding, but the additional 3M that is being offered puts the district under the EDU threshold. The board would need to make a resolution to authorize Barton & Loguidice to apply for the loan, which must be done by June 30<sup>th</sup>, also a bond resolution needs to be passed. Mr. Pond along with Mr. Bader will contact a bond counsel to put together a resolution, notice and public hearing. Mr. Pond thinks the district as it stands has a good chance at being successful, but funding is always an obstacle. Mr. Dwyer thanks the board for its time, the new information sounds good and hopefully the town/district will be successful.

Mr. and Mrs. Gerald Brown – 251 Holst Rd along with other neighbors were in to discuss the property that adjoins them, the Palmowski residence – 261 Holst Rd. Their major concern is that the Palmowski's have put in a motocross track that they use until all hours of the night. Mrs. Brown showed the board some pictures and a video that indicates how loud the bikes/ATVs can be. They ride their dirt bikes up and down the road, there also have been fights. The Brown's and others have called the police, nothing has happened. The police have not seen them going down the road so there is nothing they can do. The Palmowski have not gotten permission to put in a motocross track, isn't there something the town can do? Mr. and Mrs. Brown have also contacted DEC, thinking that they disturbed over an acre of land, maybe there will be some help from there, but nothing. Mr. Bader responded that as long as they stay on their property and use the track for themselves then it is okay. If they start running as a business then there could be a problem. The board encouraged the residents to continue to call the police all calls have to be documented and each time you might get a different officer that might be able to do something for you.

**WATER:**

-On April 4, 2016 a letter was received from the Village of Cleveland removing the village from the Bernhards Bay joint water project.

Mr. Colesante made the motion to authorize Barton & Loguidice to submit an application on the towns' behalf for a water infrastructure grant. There will be no charge for this application, seconded by Mr. Metzger.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley – Yes

Mr. Colesante authorized Mr. Bader and Mr. Pond from Barton & Loguidice to engage Orrick Bond Council (Doug Goodfriend) to draft a bond resolution and all legal notices, the charge not to exceed \$5,000.00, seconded by Mr. Metzger.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley – Yes

**SEWER:**

Discussion on letter that was received from the Village of Cleveland that was sent to Eric Pond about the Preliminary Engineering Report, Evaluation of Waste Water Treatment Plant and Collection System. In short the Village would like an addendum to the report that will detail the infrastructure, improvement and associated costs that would be required to expand the Cleveland WWTP to accept all sewage from the proposed sewer district in the Town of Constantia. Mr. Pond indicated this is contrary to what was previously discussed and unless the DEC has changed their phosphorus requirements this will be a difficult task. Mr. Colesante thinks the regulations might

have changed. Mr. Pond will reach out to Mayor Youmans and Mr. Murakami from the DEC to see what changes there have been.

**COUNTY LEGISLATOR:**

No report

**MINUTES:**

Mr. Metzger made the motion to accept the minutes of the March 1<sup>st</sup> special meeting, March 15<sup>th</sup> town board meeting and the April 4<sup>th</sup> special meeting, seconded by Mr. Colesante.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley - Yes

**VOUCHERS:**

Mr. Whitney made the motion to accept the following vouchers as listed on Abstract #4 dated April 21, 2016:

General Fund	114-142	\$19,422.13
Highway Fund	54-73	\$50,294.27

NorthShore Water District

All have been reviewed and approved by the town board members, Seconded by Mr. Moran.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley – Yes

**SUPERVISOR:**

Mr. Moran then made the motion to accept the Supervisor's report as presented dated March 31, 2016, seconded by Mr. Colesante.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley – Yes

**HIGHWAY:**

Mr. Woolridge reported:

- Last plow truck has been converted for summer work
- Had spring leaf pickup, residents called that needed pickup this was well received
- Water was turned on at the park today, some signs were replaced
- Bernhards Bay Cemetery work was completed, the cemetery will be paying for material
- Clean up days May 2<sup>nd</sup> and 3<sup>rd</sup> (first Monday and Tuesday of May)
- Holly Hole culvert project, purchased culvert pipe should have a 75 year life span. Will start once all permits are approved.
- \$31,228 additional monies will be received by the State, this is additional to the CHIPS funding
- The County has a paver for sale, bids ends tomorrow, if the town is the winning bidder the board will need to give final approval. Mr. Woolridge wants to reach out to a few more people about the paver. Mr. Metzger made the motion to authorize Mr. Woolridge to spend not more than \$15,000 on the County paver that is up for bid, seconded by Mr. Whitney.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley – Yes

Mr. Whitney made the motion to accept the Highway Superintendent's report, seconded by Mr. Moran.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley – Yes

**TOWN CLERK/TAX COLLECTOR:**

Mrs. Haynes reported that the total receipts and disbursements for the month of March were \$2,223.60.

Tax collection has ended, as of the end of tax collection \$4,025,002.80 has been collected, that equals to 85% of the tax roll. Mr. Metzger made the motion to accept the Town Clerk's report and Tax Collector's report as presented, seconded by Mr. Whitney.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley – Yes

-Of note, the Citizen Outlet has been sold to the Johnson Newspaper Corporation. The new cut off time for legal notices will be Friday at noon.

**ASSESSOR:**

No Report

**CODE ENFORCEMENT:**

- Gordon Hall has not kept up on his end of the deal that we have made with him. Mr. Mosley and Mr. Wayne Hall went to his place on 4/20/16 and told him again that we needed a time line. He stated that he wasn't going to provide one prior to April's meeting. He also was unable to come to this month's meeting as he just had knee replacement surgery. Mr. Gordon Hall was asked to attend the meeting on May 17<sup>th</sup>, he indicated he will be there.
- Ruth Maser, owner of the Double J has made progress the roof is down and she is buttoning up the structure and then removing the walls.
- Evonne Confer has not made any progress on her property. Mr. Hall stopped by and took more photos for court on May 2<sup>nd</sup>
- Several letters for violations were sent out, will be on the report next month

Mr. Moran made the motion to accept the Code Officer's report as presented with total receipts for the month of March in the amount of \$786.60, seconded by Mr. Colesante.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley – Yes

**JUSTICE:**

Mr. Metzger made the motion to accept Justice Pelon's and Justice Simpson's report for March, seconded by Mr. Moran.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley – Yes

There is a specific case that Ms. Lynn Tennant is currently working on, because of this it is necessary to rescind her original resignation letter for March 10<sup>th</sup> and then approve the new resignation date as of May 8, 2016. Mr. Colesante made the motion to rescind the original date of March 10<sup>th</sup> and approve her new resignation as of May 8<sup>th</sup>, 2016, seconded by Mr. Moran.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley – Yes

Justice Pelon would like approval to enter into an agreement with Ms. Lynn Tennant as an Independent Contractor. The case that she is working on is going to Appeal and Ms. Tennant is very knowledgeable on what will be needed, Justice Pelon believes that it is in the best interest of the town to have Ms. Tennant available if need be.

Mr. Moran approved the following agreement,

**INDEPENDENT CONTRACTOR AGREEMENT**

This Independent Contractor Agreement is made effective May 9, 2016, until December 31, 2016, by and between the Town of Constantia Justice Court and former Justice Court Clerk Lynn Tennant.

Description of services: Duties of the court clerk as needed on an hourly basis at the rate of \$20.00 (twenty) per hour as authorized by the Honorable Justice Pelon and the Town Board. This agreement will be for any work that needs to be completed on the Donald Lalone case that was heard in the Town of Constantia.

Seconded by Mr. Whitney.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley – Yes

-Letter received by the board from Justice Pelon.

**DOG CONTROL:**

Mr. Moran made the motion to approve the Dog Control Officer's report, seconded by Mr. Metzger.

Carried: Moran – Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley – Yes

**PLANNING BOARD:**

Nothing to report

**BOARD OF APPEALS:**

Minutes for April 19<sup>th</sup> meeting received.

**REVITALIZATION COMMITTEE:**

Mr. Metzger reported that a cleanup day will be scheduled, the town will need to supply vests, gloves and garbage bags. The committee will be approaching civic organizations for help with the cleanup. They are looking at mid-May for their date, more news to follow.

Waiting for the plaque for the Schwalm bench for the park. The bench for the late Charles Gilkey might be located at the end of County Route 23, maybe by the Martin (bird) house. This is open for discussion.

**MUNICIPAL BUILDING:**

Sketch under review

**CORRESPONDENCE:**

-North Shore Ambulance Report received

**PUBLIC COMMENT:**

Mr. Wayne Confer wanted to let the public know that the Memorial Day Parade will be held in Constantia on May 30<sup>th</sup>. It will start on the corner of State Route 49 and County Route 23 at 11:00am sharp.

**BOARD COMMENT:**

COUNCILMAN: **Colesante**

Introduced the following and moved its adoption:

The town board for the town of Constantia approves the 2015 Justice audits. Justice Simpson’s audit and Justice Pelon’s audit have been completed by Councilman Metzger and Councilman Moran. It is further instructed that Ms. Butler – Bookkeeper, send copies of both to the New York State Office of Court Administration.

Seconded by Councilman: **Whitney**

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Kenneth Mosley	Voted	<b>Yes</b>
Richard Colesante	Voted	<b>Yes</b>
John Metzger	Voted	<b>Yes</b>
Tom Moran	Voted	<b>Yes</b>

Chad Whitney Voted Yes

Mr. Whitney made the motion to accept the Town Clerk and Tax Collector audits as done by Councilman Moran and Councilman Metzger, seconded by Mr. Colesante.

Carried: Moran - Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley - Yes

Mr. Whitney made the motion to accept the standard workday resolution as reported on form RS2417-A and RS17-B, seconded by Mr. Moran. (a copy of the resolution at end of the minutes)

Carried: Moran - Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley - Yes

-Mr. Colesante would like to have Mr. Bader look into the issue with Hatchery Rd. Mr. Woolridge would like to pave the road and in 1996 the State paid for the materials, the town did the work, seems like a precedent was made. Mr. Bader will reach out to the State DEC, who are denying responsibility for the road.

**TUG HILL COMMISSION:**

Paul Baxter reported:

-Local Government Conference on March 31<sup>st</sup> was a success. If anyone has any suggestions for training topics for next year please let Mr. Baxter know.

-New Headwaters annual report of the Tug Hill Commission has been mailed.

-Web site is up to date – posted new building permit application form and the town’s annual report

-North Shore Council of Governments meeting will be in Constantia on April 22<sup>nd</sup> in the town hall, all are welcome to attend.

-Attended a public hearing on Monday April 18<sup>th</sup> on the county industrial development agency’s proposed tax breaks and bonding authority for the CNY Raceway Park.

-While at the Town Clerk’s office Mr. Baxter assisted the Deputy Town Clerk with a potential virus problem.

**CEMETARY RESOLUTION:**

COUNCILMAN: **METZGER**

Introduced the following and moved its adoption:

**RESOLUTION TO PROVIDE MUNICIPAL ASSISTANCE TO THE LAKESIDE RURAL CEMETERY IN THE TOWN OF CONSTANTIA, BERNHARDS BAY**

**WHEREAS**, The Lakeside Rural Cemetery, a Not-for-Profit Cemetery Corporation established in the year of 1847, is requesting assistance from the Town of Constantia Highway Department to cut a driveway within the present cemetery, part of Lot 128, Town of Constantia Hamlet of Bernhards Bay, and

**WHEREAS**, General Municipal Law paragraph 165-a states that “Any municipal corporation may appropriate and provide funding to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law. In lieu of or in addition to providing funding to a public cemetery corporation, any municipal corporation may provide goods and/or services to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law.”,

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board, Town of Constantia, in the County of Oswego, that it be and hereby is determined as follows:

1. That the Lakeside Rural Cemetery has requested the Town of Constantia participate in constructing a driveway within the cemetery;
2. That certain materials and supplies, such as stone and gravel are required to complete said proposed driveway within the cemetery;
3. That the Lakeside Rural Cemetery could be requested to contribute money for required materials and supplies for said proposed driveway not to exceed \$2,000;
4. That the Town of Constantia Highway Department owns such equipment and manpower that may be necessary to construct said proposed driveway;
5. That the Town of Constantia Highway Department may have a limited number of days available during the year of 2016 to construct said proposed driveway and;
6. That the Town Board approves said activity by the Town Highway Department as time permits,

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

Seconded by Councilman: **WHITNEY**

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Kenneth Mosley	Voted	<b>Yes</b>
Richard Colesante	Voted	<b>Yes</b>
John Metzger	Voted	<b>Yes</b>
Tom Moran	Voted	<b>Yes</b>
Chad Whitney	Voted	<b>Yes</b>

**ADJOURN:**

At 10:00 pm Mr. Colesante made the motion to adjourn, seconded by Mr. Moran.

Carried: Moran - Yes Whitney – Yes Colesante - Yes Metzger - Yes Mosley - Yes